

THE CITY OF DURHAM TRUST

Web site: <http://www.DurhamCity.org>

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Durham, DH1 1TH

30 June 2024

Ms Michelle Penman
Planning Development Central/East
Room 4/86-102
County Hall
Durham City
DH1 5UL

Dear Ms Penman

DM/23/02504/FPA: Retention of existing 5-bedroom C4 HMO and two-bedroom C3 flat and extensions and alterations to create 2 no. additional two-bedroom flats (total 4 no. separate units) (description amended), 45A Sunderland Road Gilesgate Durham DH1 2QH

The City of Durham Trust at its meeting on 18 June 2024 considered the above revised application description and additional supporting documents, and decided to again object.

The original application DM/23/02504/FPA, now amended, described the proposal as “Alterations and extensions to the existing property with change of use to provide 4 no. total C4 small Houses in Multiple Occupation (1 no. existing) 45A Sunderland Road, Gilesgate, Durham DH1 2QH.” The Trust pointed out on 18 October 2023 that the application and supporting documents were puzzling, inconsistent and confused; were contrary to County Durham Plan Policy 16; and must be refused.

Now, the proposal is described as adding 2 two-bedroom flats to 1 existing two-bedroom C3 flat and an existing 5 bed C4 HMO. The applicant’s Planning Statement submitted in 2023 explains that applying for C3 use is in order to not encounter a very likely refusal for C4 HMO use. However, County Durham Plan paragraph 5.150 explicitly sets out that proposals for C3 use that could be occupied as an HMO will be assessed under Policy 16.3. That is a strong likelihood in this case given that the property is classed as C4 HMO and has the benefit of an HMO licence.

The latest data available on the Planning Portal shows that, at April 2024, within a 100m radius of and including 45A Sunderland Road, 38.8% of properties were Class N exempt student properties as defined by Council Tax records. On that basis, the proposal assessed under Policy 16.3 should be refused.

The history of confusion is maintained by the submission of two separate drawings illustrating the entirety of the proposed ground floor plan, while a conflict is evident between the application form and the Design & Access Statement. The former states that the materials and

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finishes to external walls will be a combination of red brick plus ivory coloured render, whereas the latter states that these will be a warm brick-hued modular cement/slate type cladding with colour rendered off-white/ivory walls. The proposed elevations do not indicate which materials will be used in which locations.

Further puzzlement is caused by a lengthy essay discussing compliance with Policy 16.2, which relates to PBSAs, specifically criterion (a) on demonstrating need for additional student accommodation of this type in this location, and (b) consultation with the relevant education provider pursuant to the identified need.

On (a) need, the document concludes from discussions with student letting agencies that there is *“a significant downturn in the demand for student accommodation generally, highlighting that in their recent research the University had approximately 400 empty bed spaces within their own student accommodation, whilst there were a further 1,400 empty bed spaces within the private rented sector.”* The Trust agrees, there is no need.

On (b), the document regrets that there has not yet been a response from the University but argues that *“the quality of the proposed accommodation along with its accessible location to the city centre means that the application property would in no doubt be of interest to students. The applicant is experienced in providing accommodation to students in Durham and is aware that the application property would, by virtue of the positive attribute highlighted above, meet with the qualitative expectations of the University.”*

The Trust considers that the application fails both essential criteria (a) and (b) of Policy 16.2 if relevant.

Additionally, 9 car parking spaces have been shoe-horned into the site, which as a result do not appear to comply with recognised dimensional standards, especially the distance between opposing bays and safe separation from the building frontage with its 3 entrance doors. No provision for the 4 required EV charging points or secure bicycle storage is indicated. The 3 wheelie bins proposed for the whole development are utterly inadequate.

This amended application is just the latest in a long series of applications. DM/20/00493/FPA was refused; DM/20/03655/FPA and DM/22/02837/FPA were both withdrawn.

The City of Durham Trust maintains that the current amended application is equally unacceptable and must be refused.

John Lowe,

Chair of the City of Durham Trust